



DEEPWATER HORIZON RESPONSE AND RECOVERY WORKGROUPS

ACTIVITIES BY WEEK

AUGUST 2 – 6, 2010

Workgroup 1 – Response to current disaster and preparation for future disasters

- a. Meet with and conduct conference calls with the Department of Environmental Protection, the Fish and Wildlife Conservation Commission, the Division of Emergency Management, the League of Cities and Association of Counties, to discuss, where relevant:
 - i. The current response system and the coordination between federal, state, and local governments.
 - ii. The effectiveness of the current response to the oil spill in the Gulf of Mexico, including the coordination between federal, state, and local governments, and ways in which the response system and protocol could be improved to address immediate needs and future spills, either through changes to current operations or changes to federal laws and protocol or Florida's laws and protocol.

Summary of Week 2 Activities:

Workgroup 1 held three teleconferences during Week 2. The first occurred on Wednesday, August 4, 2010, with officials from the Florida Department of Environmental Protection and the Florida Fish and Wildlife Conservation Commission participating. The second occurred on Thursday, August 5, 2010, with officials from the Florida Division of Emergency Management participating. The third occurred on Friday, August 6, 2010, with representatives from the Florida League of Cities, Florida Association of Counties, and Bay County participating.

Highlights from each teleconference are below:

Department of Environmental Protection/Florida Fish and Wildlife Conservation Commission

In attendance for the Department of Environmental Protection (DEP) were Secretary Michael Sole and Phil Wieczynski, Manager for the Emergency Operations Center. In attendance for the Fish and Wildlife Conservation Commission (FWC) were Col. Jim Brown, Mark Robson, Elsa Haubold, and Gil McRae. In addition to the members from Workgroup 1, Representatives Drake and Nelson were also in attendance.

The focus of the teleconference was federal and state coordination efforts: what seemed to work, what improvements need to be made prior to another, similar incident. The following are highlights from the discussion:

Praise for Florida Responders: According to Secretary Sole, and affirmed by FWC, the coordination and cooperation of all Florida agencies providing resources, time, personnel, and participating in the Emergency Operations Center during this crisis was exceptional.

Operations: DEP and FWC discussed operation and communication difficulties inherent in Florida caused by Florida being split between the 7th and 8th United States Coast Guard (USCG) Districts. In addition, the lack of a Unified Command Center, or branch center, in Florida for this particular emergency exacerbated communication difficulties between the federal government coordinators and local government responders. This was rectified recently by the creation of several branch offices across the impacted Panhandle counties. Generally, each branch office covers two counties, and includes officials from the coast guard and the state, as well as a local government emergency management official. This structure brings the decision making closer to the impacted area and ensures local government participation in the decision-making process.

Resources: According to Secretary Sole, due to the size of the event, insufficient tactical resources hindered the response. Experience demonstrated that booms and oil skimmers work very well when those resources are deployed correctly. Surface water booms, for instance, are not efficient prophylactic measures but are very effective for collection and deflection. Florida Panhandle counties, however, are not expected to possess these expensive resources because the threat of oil spill is remote. However, more immediate access to these resources in the event of another, similar incident needs to be explored, perhaps through the federal government emergency response system.

Further, fishing ground closures occurred prematurely and in some instances were not supported by evidence. Once the fisheries are closed, a lengthy sampling protocol is necessary to reopen. According to Colonel Jim Brown, of the FWC, there was inadequate federal laboratory capacity for testing seafood for oil contamination. Federal response increased in the later stages of the crisis; however, increased lab response will need to be planned for in the event of a similar incident. It was suggested that including fish and wildlife services in the unified command structure would be appropriate in the case of any future disasters of this nature.

Area Contingency Plans: DEP noted that in the 1990s, not every county in the Panhandle participated in the USCG-sponsored, voluntary workshops for developing area contingency plans for spills. This lack of coordination in the planning process resulted in the needs of local governments not being fully realized. In addition, many of these plans were created in the early 1990s and had not been updated recently.

Responsible Party Response to the Event: Secretary Sole commended BP for its aggressive response to the spill and providing grants to Florida for tourism (\$25 million to the state and Panhandle counties), the Natural Resource Damage Assessment (\$8 million to DEP), and to study the short-term and long-term impacts of the spill (\$10 million to the Florida Institute of Oceanography). This immediate response may not have been possible if the blow-out had occurred at a well owned by a consortium of smaller companies with limited financial capacity to adequately respond. In comparison, the oil spill event in Tampa Bay in 1993 involved three vessels each owned by a separate company which delayed payments to the state while liability was determined through the legal process.

Division of Emergency Management

In attendance for the Florida Division of Emergency Management (DEM): David Halstead, Director, and Angela Peterson, Policy and Finance Chief.

The discussion focused primarily on how well the State Emergency Response Team (basically, the designated employees of Florida's Executive Agencies) organized and mobilized in response to the activation of the Emergency Operations Center (EOC), and the difficulties the EOC faced, both in terms of communication and tactical operations, because the Unified Command Center was located in the USCG station in Mobile, AL. Many of the challenges expressed by the DEP and FWC during Wednesday's teleconference were expressed by DEM.

Florida League of Cities and Florida Association of Counties

In attendance for the Florida League of Cities: Scott Dudley. In attendance for the Florida Association of Counties: Eric Poole and John Smith. Bob Maijka, Assistant County Manager for Bay County, provided input as well.

The discussion focused on two major points: (a) Local governments, used to responding to incidents in accordance with Florida's emergency management protocols (which has traditionally used a bottom-up approach, with emergency activities being resolved at the lowest possible level of response), were frustrated by conflicting messages from BP and Unified Command in Mobile, AL.; and (b) BP, as the responsible party, seemed to have too much authority in approving operations and logistics for local government response plans. It is the local governments' view that if their response activities fall within the parameter of the Area Contingency Plan, then BP's only role is to provide compensation.

One other point was raised: Local government Emergency Management Director positions are funded by the Emergency Management, Preparedness, and Assistance Trust Fund, as found in sections 252.371, and 252.372, F.S. The trust fund is funded by an annual surcharge of \$2 per policy for every homeowner's, mobile home owner's, tenant homeowner's, and condominium unit owner's insurance policy, and \$4 for every commercial fire, commercial multiple peril, and business owner's property insurance policy. Local government representatives participating in the call

suggested that additional funding is necessary to adequately staff local government emergency management operations.

Local governments also agreed with comments made in earlier teleconferences that coordination and communication with local governments by the Unified Command improved greatly after the creation of the branch offices, as local governments were included more in strategizing the response

Workgroup 2 - Assess programs and resources to meet immediate needs of impacted areas

- a. Conduct conference call with the Federal Administrators of the Small Business Administration's Economic Injury loans to review the level of use and response by affected businesses.
- b. Conduct conference call with the Governor's Office of Tourism, Trade, and Economic Development to obtain overview of state response and resources deployed.
- c. Conduct conference call with Enterprise Florida, Inc. to review response to business needs in impacted areas.
- d. Conduct conference call with the state administrator of the Emergency Bridge Loan Program to review the level of use and response by affected businesses.
- e. Conduct conference call with the statewide president of the Small Business Development Center Network to evaluate local response coordination and resources deployed within the affected communities.
- f. Begin conference calls with state agencies including the Department of Environmental Protection (DEP), the Division of Emergency Management, and the Fish and Wildlife Conservation Commission to review responses.
- g. Conduct conference calls with the Agency for Workforce Innovation, Workforce Florida, Inc., Department of Children and Families, Department of Health, and the Department of Agriculture and Consumer Services to review state responses to individual needs such as unemployment and family assistance programs.
- h. Conduct conference calls with other state agencies such as the Department of Transportation, Department of Highway Safety and Motor Vehicles, Department of Management Services, Department of State, and the Department of Financial Services which have provided various levels of response to communities and individuals.
- i. Meet with impacted businesses and individuals in Panhandle, if possible, and evaluate responses and resources deployed to those affected parties.

Summary of Week 2 Activities:

State agency appropriations expenditures related to the oil spill were updated and posted on the [workgroup's resource page](#). The workgroup also organized six conference calls with various entities and participated in two conference calls with Workgroup 1.

Information from each conference call may be found below:

Florida First Capital Finance Corporation, the state emergency bridge loan administrator

- Call was held Tuesday, August 3, 2010, with Todd Kocourek, President
- What was learned:
 - Loans in this crisis were for economic injury rather than physical damage as has been the case in previous disasters (hurricanes, wildfires).
 - Bridge loan requires actual “bridge” to a BP claim, an SBA loan, or business interruption insurance policy.
 - A variety of businesses have utilized the bridge loan program, including fishing operations, seafood processors, marinas, and tourism businesses such as hotels and tour operators.
 - However, by July 30, 2010, only 84 applications had been received with 72 approved for a total of \$1.77 million out of \$5 million available.
- Areas for follow-up:
 - No gaps seen in program at this time. See gaps in Federal SBA loans and coordination with BP claims process.

Small Business Development Center Network (SBDC)

- Call was held Tuesday, August 3, 2010, with Jerry Cartwright, state director
- What was learned:
 - Since beginning of crisis, SBDCs have provided assistance on BP claims, SBA economic injury loans, and state emergency bridge loans.
 - Level of business assistance provided has varied widely from beginning of crisis, with a high demand at beginning and as far south as Key West, but demand has tapered off significantly.
 - Believes many businesses would prefer a BP claim which does not have to be repaid.
- Areas for follow-up:
 - Would like to see co-location of SBDCs with new Feinberg claims process.

Agency for Workforce Innovation (AWI) and Workforce Florida (WFI)

- Call was held Wednesday, August 4, 2010, with Cynthia Lorenzo, Director; Kevin Thompson, Finance and Administration; Tom Clendenning, Unemployment Compensation; Kevin Neal, Workforce, Michael Ayers, Chief of Staff; Larry Champion, Finance and Administration; Andra Cornelius, Business Competitiveness; April Money, Legislative Affairs
- What was learned:
 - AWI has worked to help businesses and people affected by oil spill through unemployment compensation (UC), labor market information, and workforce services.
 - AWI reported that only 142 verified claims of unemployment compensation due to the oil spill have been received to date. AWI has paid out a total of \$50,000 in claims.
 - WFI has assisted in matching BP oil spill jobs with applicants. BP advertised 15,000 positions and WFI referred 45,000 applicants.
- Areas for follow-up:
 - WFI is reviewing with BP how many of the 45,000 applicants were actually hired.

- AWI is looking into data sharing with BP to compare UC claims with BP claims of lost wages.

Governor's Office of Tourism, Trade, and Economic Development

- Call was held Wednesday, August 4, 2010, with Karl Blischke
- What was learned:
 - Worked closely with Enterprise Florida in reviewing and establishing state emergency bridge loan program.
 - Has not needed to make an additional budget request for funds since only \$1.77 million has been used to date for bridge loans.
 - No additional business assistance programs planned at this time.
- Areas for follow-up:
 - None identified at this time.

Enterprise Florida (EFI)

- Call was held Thursday, August 5, 2010, with Michael Preston, Al Latimer, and Liefke Cox
- What was learned:
 - EFI acted since beginning of crisis as point of information for the county economic development organizations and numerous other partners.
 - Also closely involved in initiating state emergency bridge loan program.
- Areas for follow-up:
 - EFI board meeting August 18, 2010, and may or may not have recommendations to provide regarding oil spill response.

Division of Emergency Management (DEM)

- Call was held Thursday, August 5, 2010, with David Halsted, Director; Angela Peterson, Policy and Finance Chief
- What was learned:
 - Emergency Operations Center had been at highest level alert 1 until August 3, 2010, when it lowered to level 2. Anticipates emergency response to oil spill will end in three weeks.
 - At the high impact of the oil-spill event, approximately 630 people statewide were activated for response and recovery.
 - As of today, DEM is reporting 438 people remain activated. This number will decrease significantly after Monday, August 9, 2010, when the division updates for the decreased response level.
- Areas for follow-up:
 - DEM preparing state and Federal after-action report

Conference calls with Workgroup 1

- Participated in Workgroup 1's August 4th conference call with officials from the Florida Department of Environmental Protection and the Florida Fish and Wildlife Conservation Commission.

- Participated in Workgroup 1's August 6th conference call with officials from the Florida League of Cities and the Florida Association of Counties.
- Will schedule follow-up contact with those entities.
- Additional information on these conference calls may be obtained in Workgroup 1's Work Plan/Summary of Activities.

Workgroup 3 - Review the scope of private sector damages and processes for compensation

- a. Meet with and conduct conference calls with parties participating in the independent claims process.
- b. Conduct conference calls with parties that may have participated in such claims processes for prior disasters.
- c. Review potential state and federal tort remedies. Determine their viability for recovery from this disaster.
- d. Review whether other state or federal laws may be applicable.

Summary of Week 2 Activities:

Initiated legal review of Florida law as well as laws in other states. Continued to monitor the independent claims process created by BP. On August 3, 2010, BP announced changes in the claims process intended to expedite claim payments, including establishing an Immediate Action Claims Team. Meetings were scheduled and travel plans made for group members to visit Pensacola the week of August 9 - 13 to reach out to affected groups, discuss the claims process with BP officials, attend a forum hosted by the Pensacola Chamber of Commerce with Kenneth Feinberg, administrator of the Gulf Coast Claims Facility, which will oversee the claims process beginning later this month. Please see Scheduled Events on the [House's Deepwater Horizon Response and Recovery Web site](#) and the [workgroup's resource page](#) for details and background information on these meetings.

Workgroup 4 - Develop strategies for public sector recovery of damages

- a. Seek out, receive and evaluate information and suggestions regarding the Work Group's task from affected parties, including the following:
 - Attorney General's Office
 - Florida Association of Counties
 - Florida League of Cities
 - Individual counties and cities
 - Florida School Boards Association
 - Special Districts
 - Indian Tribes
 - State Agencies
 - BP
- b. Identify issues that may affect the ability of governments to receive full compensation.
- c. Continue to identify state and local governments' data collection efforts.

Summary of Week 2 Activities:

The Workgroup continued its research of federal and state law applicable to oil discharges and prepared a side-by-side comparing the two laws. A questionnaire was prepared and distributed to state agencies, universities, community colleges and water management districts regarding their data collection efforts. The Workgroup continued to seek out information from affected parties. A copy of the questionnaire and the Side-by-Side may be found on the [workgroup's resource page](#).

Workgroup 5 - Identify regional long-term economic recovery opportunities

- a. Identify historical long-term effects of oil spills on industries. Research and identify past oil spill disasters and their effects on industries. Determine the length and magnitude of the disaster on industries and the economy. Consider what economic recovery options had the most success, if any.
- b. Determine regional economic advantages and weaknesses. Consider advantages and weaknesses based on common site selection factors. Contact economic development groups, planning councils, chambers and local governments, and other groups as necessary to identify advantages and weaknesses from economic reports, stakeholders and other parties.
- c. Identify anchor businesses, and businesses that have received recent incentive funding.
- d. Identify strengths of the university and community college system that may promote long-term economic recovery.
- e. Begin drafting report based on preliminary data.
- f. Conduct a conference call with workgroup to discuss demographic data and other information learned, begin discussion on economic opportunities, and make plans for roundtable discussions in the panhandle.

Summary of Week 2 Activities:

- Scheduled roundtable meetings for August 13-14, 2010 in Panama City, Destin, and Pensacola, and identified contacts and stakeholders for these meetings. Please see Scheduled Events on the [House's Deepwater Horizon Response and Recovery Web site](#) and the [workgroup's resource page](#) for details and background information on these meetings.
- Initiated research on historical long-term effects of oil spill disasters on industries. Contacted the Florida Board of Governors to assist with research on two issues: 1) identifying historical long-term effects of oil spills on industries; and 2) identifying the strengths of the universities and community colleges in the region that may promote long-term economic recovery.
- Began researched ideas that have been discussed or mentioned that may help with long-term economic recovery.
- Followed-up with Enterprise Florida, Inc., in regards to the workgroup's for: 1) companies that have received incentive funding over the last 5 years in the affected counties, and 2) companies that chose not to locate in those counties and possible reasons for that decision.
- Met with Enterprise Florida, Inc., on defense related activities in the region to better understand possible long-term economic opportunities.

- Held conference call with members to discuss work plan, demographics, upcoming meetings, and economic recovery.
- Initiated research on regional economic advantages & weaknesses. Identified top site selection factor for 2009 from an Area Development survey of corporations.
- Contacted local chambers, economic development organizations, and others, including: Bay County Economic Development Alliance, Gulf County Economic Development Council, the Economic Development Council of Okaloosa County, TEAM Santa Rosa Economic Development Council, Walton County Economic Development Council, Panama City Beach Chamber of Commerce, Destin Area Chamber of Commerce, and the University of West Florida Haas Center.

Workgroup 6 - Examine adequacy of criminal and civil penalties to address offenses causing or arising out of environmental disasters

- a. Continue research and continue consultations with the above-listed entities.
- b. Research other state's criminal environmental disaster laws.
- c. Prepare for Week 3 Organizational / Information Workgroup Meeting.

Summary of Week 2 Activities:

Continued researching state and federal criminal environmental disaster laws. In addition, researched Alabama and Mississippi's statutes to compare their criminal environmental disaster laws to Florida's existing laws. Held a telephone conference with Thomas Watts-Fitzgerald, Assistant United States Attorney, regarding federal environmental crimes.